

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/883,507 Confirmation No.: 8695
Applicant : Jeffrey A. Bedell et al.
Filed : 06/19/2001
Title : REPORT SYSTEM AND METHOD USING PROMPT OBJECT
ABSTRACTION
TC/Art Unit : 2169
Examiner: : Greta Lee Robinson
Docket No. : 53470.003040
Customer No. : **21967**

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Applicants note with appreciation the indication on page 5 of the Office Action mailed June 17, 2009 ("the Office Action") that claims 2, 5-7, 25, and 27-30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and rewritten to overcome the 35 U.S.C. § 112, second paragraph rejections. Applicants have opted to defer rewriting the above-identified claims in independent form pending consideration of the arguments presented below with respect to the rejected claims.

In response to the Office Action, a second rejection of claims 1-7 and 24-31, and pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official Gazette, Applicants hereby request a pre-appeal brief conference in the above-referenced case. This application is appropriate for a pre-appeal brief conference. Applicants believe that an appeal will succeed for the following reasons.

I. The Alleged Omitted Elements of the 35 U.S.C. § 112, Second Rejection Are Not Essential

On pages 2-3 of the Office Action, claims 1-7 and 24-31 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly incomplete for omitting essential elements. This rejection is hereby respectfully traversed.

Regarding the Office's assertion that claim 1 allegedly omits the essential elements of "use of a template as part of the reporting system structure for creating a report," the Applicants respectfully disagree. Applicants note that lines 6-7 of claim 1, as listed above, recite "**a prompt object** comprising a question to be asked of a user and at least one validation property, the **prompt object being used to define one or more aspects of a report definition ...**" (emphasis added). The specification further illustrates that a prompt object may be used *in place of a template*. The specification states:

Accordingly, the present invention provides **prompt objects that may be used to define every aspect of a report**. A prompt object in object-oriented programming terms is a separate object from any report in which it is included. In one embodiment, a prompt object contains a single question to be answered, validation values for the answer, and attributes indicating how the prompt object is to be processed. In addition, default values may be provided for the prompt object.

A report can thus be defined by selecting prompt objects in place of templates, filters, or any of the aspects of a template or filter.

Specification, page 2, lines 7-15 (Emphasis added). The specification further states "[t]o execute a report, the system determines a report definition 304 **or** a filter 308 and template 306."

Specification, page 19, lines 8-9. Claim 1 recites a report definition.

Applicants have reviewed the citations of the Office Action and have found no disclosure stating that the alleged missing elements are essential. Applicants respectfully submit that claim 1 as structured does not "omit matter disclosed to essential to the invention as described in the specification or in other statements of record." *See* MPEP 2172.01

Claim 24, although of different scope, contains limitations similar to claim 1. Applicants respectfully submit that claim 24 is complete and definite for at least the reasons discussed above in reference to claim 1.

Applicants respectfully request the withdrawal of the 35 U.S.C. § 112, second paragraph rejections of claims 1-7 and 24-31.

II. Saijyo Fails To Teach Or Suggest A Resolution Object And A Prompt Object

On pages 3-4 of the Office Action, claims 1, 3, 24, 26 and 31 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,604,898 to Saijyo *et al.* (“Saijyo”) in view of U.S. Patent No. 6,160,549 to Touma *et al.* (“Touma”). This rejection is hereby respectfully traversed.

Saijyo fails to teach or suggest a resolution object. The Office asserts that element 23 of Figure 4 and the column 1, lines 53-57 disclose a resolution object. *See* Office Action, pages 3-4. Element 23 of Figure 4 is labeled “enquiry object emitter means.” *See* Figure 4, element 23. Applicant notes that the enquiry object emitter means is further described by Saijyo as follows:

If the database enquiry statement 17 entered from the terminal unit 1 is a dynamic execution request which calls for the urgent reference, then the enquiry object executing means 25 which lies within the enquiry object generating/ executing circuit 8 immediately starts to execute the enquiry object but, if not, and if it is the database enquiry statement 17 entered from the application program 2, then the enquiry object 22 is generated for the enquiry statement 17 for all the networks DB 14, which is stored into the enquiry object memory 5 by the **enquiry object emitter means 23** for completion of the compiling stage.

Saijyo, column 8, lines 32-42 (emphasis added). Thus an enquiry object emitter means stores an enquiry object into enquiry object memory. Applicants note that the Office asserts that the prompt object of claim 1 is disclosed by “Figure 4 enquiry object generating means (8) and database enquiry statement (7).” *See* Office Action, page 3. Applicants respectfully submit that storing an enquiry object into memory fails teach or suggest “a resolution object for collecting an answer to a question of the prompt object for report creation,” as recited by claim 1.

Column 1, lines 53-57 of Saijyo similarly fails to teach or suggest “a resolution object for collecting an answer to a question of the prompt object for report creation,” as recited by claim 1. Column 1, lines 53-57 of Saijyo recite “a relational type database controlling portion for generating an enquiry object matching with the relational type database to obtain an answer for that object.” Thus the enquiry object matches with the relational type database to obtain an answer. An enquiry object that obtains its own answer by matching with a relational database fails to teach or suggest “a resolution object for collecting an answer to a question of the prompt object for report creation” wherein the “prompt object compris[es] a question to be asked of a user.” On the contrary this interpretation of an alleged teaching or suggestion of Saijyo impermissibly combines elements of claim 1 including a prompt object and a resolution object. Clearly Saijyo fails to teach or suggest “a resolution object for collecting an answer to a question of the prompt object for report creation,” as recited by claim 1. Touma fails to cure these deficiencies.

Saijyo also fails to teach or suggest at least “a prompt object comprising a question to be asked of a user and at least one validation property.” The Office asserts that the prompt object of claim 1 is disclosed by “Figure 4 enquiry object generating means (8) and database enquiry statement (7).” *See* Office Action, page 7. As discussed above, an enquiry object is to be matched against a relational database. Obtaining an answer from a relational database is not obtaining an answer from a user or a resolution object. Thus Saijyo fails to disclose “a prompt object comprising a question to be asked of a user,” as recited by claim 1. Touma is not proposed by the Office to cure this deficiency.

Claim 24, although of different scope, contains limitations similar to claim 1. Applicants respectfully submit that claim 24 is allowable over the cited references for analogous reasons as discussed above in reference to claim 1.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1, 3, 24, 26 and 31 be withdrawn.

III. Conclusion


An appeal will certainly succeed for the forgoing reasons, but the time and expense in preparing an appeal brief should not be borne by Microstrategy when the grounds are so clearly improper.

The Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206 for any fees that may be due.

Respectfully submitted,

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By:


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